



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Attorney Pascuzzi, Susan L. (for Petitioner Minnie Jean Mayfield-Johnson, Administrator)

Petition for Settlement of Second and Final Account; Petition for Final Distribution and for Allowance of Compensation for Ordinary and Extraordinary Services

DOD: 7/19/1996		MINNIE JEAN MAYFIELD-JOHNSON daughter and Administrator, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: 1. Paragraph 7 of the <i>Petition</i> states no notice is required under Probate Code § 9202(b) since letters were issued prior to 7/1/2008. However, the date of issuance of letters does not affect subsection (b) of § 9202, thus the <i>Petition</i> must include a statement regarding notice to the Director of the CA Victim Compensation and Government Claims Board. 2. Petitioner requests the remaining balance of cash on hand by reason of additional rent payments until final distribution be held as a reserve account for final expenses, which open-ended reserve is inconsistent with this Court's practice of authorizing a sum certain in the Court's order for closing reserve.
		Account period: 1/1/2014 – 7/24/2015	
		Accounting - \$57,110.17	
		Beginning POH - \$51,410.17	
		Ending POH - \$55,623.36	
		(real property on Pottle and \$15,623.36 cash)	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Administrator - \$2,308.95 (statutory)	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$2,308.95 (statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - \$11,243.00 (per Declaration and itemization filed 7/27/2015; for unlawful detainer trial and resulting stipulation; negotiations and re-negotiations for sale of real property; settlement of ownership issues; oversee lease agreement to benefit of estate;)	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	Closing - "any remaining cash" (any rent payments until final distribution)	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	X	
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	N/A	
		Petitioner states: <ul style="list-style-type: none"> During the administration, the ownership of the real property on Pottle Avenue in Fresno was disputed by the occupant of the real property, WANDA F. SMITH, the wife of Decedent's late son (Ernest Smith, Sr.), and an heir to the estate by reason of the assignment of beneficial interests from CRYSTAL SMITH, CHERRELL SMITH, ROSETA SMITH, CARMELITA MILES and ERNEST SMITH, JR.; WANDA F. SMITH claimed title by adverse possession; the property was subsequently sold to Wanda Smith for \$85,000.00 through a settlement agreement; Wanda Smith was unable to obtain financing and defaulted on the agreement; <p align="center">~Please see additional page~</p>	
		Reviewed by: LEG Reviewed on: 8/31/15 Updates: Recommendation: File 1 – Mayfield	

Petitioner states, continued:

- A second settlement agreement was entered by which Wanda Smith was granted a least with an option to purchase the property for **\$50,000.00** (price reflects market downturn), which was approved by this Court on 3/11/2009; Wanda Smith did not exercise the option and it expired on 8/11/2011;
- Upon the option expiration, and based on the depressed real estate market and lack of marketability of the real property, the lease agreement with Wanda Smith has remained in place; Petitioner believes Wanda Smith has made all real property tax payments, loan payments to the City of Fresno, and all rental payments as agreed; *[Note: Income Receipts, Schedule A, shows rent payments from Wanda Smith have been received of \$5,700.00 from 1/1/2014 to 7/24/2015];*
- To close the administration of the Estate, **LEE McCAIN**, son, **LaTOYA MAYFIELD**, granddaughter, and **MINNIE MAYFIELD-JOHNSON**, daughter (Petitioner), have each agreed to assign their interests in the real property on Pottle Avenue to **CARMELITA MILES** for the sum of **\$5,000.00** each; *[Assignments filed on 5/29/2007];*
- The assignments are effective at such time as **\$15,000.00** has been deposited to the **BAKER, MANOCK & JENSEN** Trust Account *[Attorney JEFF JAECH serves as attorney for Wanda Smith]*, to be released to the assignors upon entry of the order distributing an undivided $\frac{3}{4}$ (**75%**) interest in the property to **CARMELITA MILES** and an undivided $\frac{1}{4}$ (**25%**) interest to **WANDA F. SMITH**, who are to receive the real property from the estate subject to a loan in favor of the City of Fresno in the amount of **~\$24,000.00** and any taxes and assessments due and payable;
- The amount necessary to pay closing expenses is **\$15,860.90**, while the amount on hand is **\$15,623.36**; however, there is due the estate the sum of **\$300.00** for rent due 8/1/2015, and the first of each month thereafter until the estate is distributed which will leave enough cash on hand available for distribution; Petitioner requests the remaining balance of cash on hand by reason of additional rent payments until final distribution be held as a reserve account for final expenses;
- In the event **CARMELITA MILES** is unable to perform under the terms of the Assignment of Interest filed *[on 8/27/2015]*, the real property should be distributed to **LEE McCAIN**, **LaTOYA MAYFIELD**, **MINNIE MAYFIELD-JOHNSON**, and **WANDA F. SMITH** in order that the administration of the estate be closed.

Distribution pursuant to intestate succession; to Assignment of Interest in Decedent's Estate filed on 5/29/2007, 6/23/2015, and 8/27/2015; and upon verification that the [\$15,000.00] consideration for the assignments has been deposited to the BAKER, MANOCK & JENSEN Trust Account, is to:

- **WANDA F. SMITH** – undivided $\frac{1}{4}$ interest (25%) in real property on Pottle Avenue.
- **CARMELITA MILES** – undivided $\frac{3}{4}$ interest (75%) in real property on Pottle Avenue.

Note: *Assignment of Interests* filed 8/27/2015 provides that **CARMELITA MILES** shall deposit the sum of **\$15,000.00** to the Trust Account of **BAKER, MANOCK & JENSEN** at least 3 business days prior to the court hearing on the Petition for Final Distribution *[set for 9/2/2015]*, and that **BAKER, MANOCK & JENSEN** shall pay to each of the Assignors the sum of **\$5,000.00** within 5 business days of entry of the Order for Final Distribution distributing an undivided $\frac{3}{4}$ (**75%**) interest in the property to **CARMELITA MILES**, who shall have no obligation to pay the consideration as provided *[in the Assignment of Interests]* until and unless such Order is entered. *Assignment of Interests* also provides that **WANDA F. SMITH** will continue to pay rent to the Estate in the amount of **\$300.00** per month until the entry of the Order.

Attorney Rusca, Rodney R. (for Petitioner Heather Huffman, mother)

Attorney Magness, Marcus D. (for Petitioner Nora S. Yerena, Guardian, maternal aunt)

Petition to Change Venue

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>First Amended Petition to Transfer Proceedings to Santa Cruz County was filed 8/19/2015 by Nora Yerena, (now represented by Attorney Magness), and is set for hearing on 10/19/2015.</i></p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/31/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – O’Ryan</p>

3 Ramona I. Jaramillo (Estate) Case No. 07CEPR00719**Attorney Tuttle, Ernest H., III (for Vanessa Jaramillo – Administrator)****Probate Status Hearing re: Failure to File a First Account or Petition for Final Distribution**

DOD: 05/02/2006	VANESSA JARAMILLO , was appointed Administrator with Will Annexed with full IAEA authority and bond set at \$83,000.00 on 09/18/2007.	NEEDS/PROBLEMS/COMMENTS: 1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from	Receipt of Bond in the amount of \$83,000.00 filed 01/03/2008.	
Aff.Sub.Wit.	Letters issued on 01/25/2008.	Reviewed by: LV Reviewed on: 08/31/2015 Updates: Recommendation: File 3 – Jaramillo
Verified	Inventory and Appraisal 02/08/2008 shows an estate valued at \$195,000.00.	
Inventory	First Account and or Petition for Final Distribution was due on 11/2008.	
PTC	Notice of Status Hearing set this status hearing for the Failure to File a First Account or Petition for Final Distribution. The notice was mailed to Attorney Ernest Tuttle and Administrator Vanessa Jaramillo on 07/07/2015.	
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Petition for Termination of Guardianship

			ANTONIO LUJAN, SR. , paternal grandfather, is Petitioner. Petitioner was appointed guardian on 07/27/10. Father: ANTHONY LUJAN – Consent & Waiver of Notice filed 07/02/15 Mother: MISTY McANINCH – Consent & Waiver of Notice filed 07/02/15 Paternal grandmother: PATRICIA McNIEL – served by mail on 07/27/15 Maternal grandfather: KEVIN McANINCH Maternal grandmother: SUE INMAN – Consent & Waiver of Notice filed 07/02/15 Petitioner states [see Petition for details]. Court Investigator Jennifer Daniel filed a report on 08/21/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: Kevin McAninch (maternal grandfather). Note: Declaration of Due Diligence filed by Lisa Gagon in connection with her Petition to be Appointed as Successor Guardian states that Mr. McAninch's whereabouts is unknown.
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	n/a		
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: JF Reviewed on: 08/31/15 Updates: Recommendation: File 4A – Lujan	

Petition for Appointment of Guardian of the Person

			<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
			LISA GAGON , maternal aunt, is Petitioner.		<div>1. Declaration of Due Diligence filed 07/02/15 states that the whereabouts of Kevin McAninch (maternal grandfather) is unknown. If diligence is not found, need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice for Kevin McAninch (maternal grandfather).</div>	
			Father: ANTHONY LUJAN – Consent & Waiver of Notice filed 07/02/15			
			Mother: MISTY McANINCH – Consent & Waiver of Notice filed 07/02/15			
			Paternal grandfather/guardian: ANTONIO LUJAN – Consent & Waiver of Notice filed 07/02/15			
			Paternal grandmother: PATRICIA McNIEL – served by mail on 07/27/15 & personally served on 08/17/15			
			Maternal grandfather: KEVIN McANINCH – Declaration of Due Diligence filed 07/02/15 states that his whereabouts is unknown			
			Maternal grandmother: SUE INMAN – Consent & Waiver of Notice filed 07/02/15			
			Petitioner states [see Petition for details].			
			Court Investigator Jennifer Daniel filed a report on 08/26/15.			
Cont. from						
	Aff.Sub.Wit.					
✓	Verified					
	Inventory					
	PTC					
	Not.Cred.					
✓	Notice of Hrg					
✓	Aff.Mail					
	Aff.Pub.					
	Sp.Ntc.					
	Pers.Serv.	n/a				
✓	Conf. Screen					
✓	Letters					
✓	Duties/Supp					
	Objections					
	Video Receipt					
✓	CI Report					
	9202					
✓	Order					
	Aff. Posting					
	Status Rpt					
✓	UCCJEA					
	Citation					
	FTB Notice					
			Reviewed by: JF			
			Reviewed on: 08/31/15			
			Updates:			
			Recommendation:			
			File 4B – Lujan			

First Account and Report of Administrator

DOD: 9/1/12		JULIE RAVISCIONI , Administrator, is petitioner. Account period: 9/1/13 – 7/15/15 Accounting - ???? Beginning POH- \$182,150.00 Ending POH - \$ 54,465.13	NEEDS/PROBLEMS/COMMENTS: 1. Accounting does not comply with Probate Code 1060 et seq. 2. The IRS filed a Creditor's Claim in the amount of \$104,205.30. Pursuant to Probate Code § 11420 debts owed to the United States shall be given preference. According to the petition the Creditor's Claim of the IRS is still unpaid however other creditor's claims with a lower priority totaling \$38,195.52 have been paid. It appears that the IRS claim should have been paid prior to any other claim being paid. 3. Petition shows payments totaling \$65,875.00 to "Business Loan – TO Transport, Inc." Need clarification. 4. Petition shows payments to Nicole Dixon (one of the beneficiaries) totaling \$13,000.00. Need clarification. 5. Creditor's Claim of Camber Dupree was filed in the amount of \$37,747.00 and was rejected on 9/24/14. Accounting shows Camber Dupree was paid \$47,747.00 for said claim. Need clarification. 6. Order does not comply with Local Rule 7.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/	Petitioner states she never intended to borrow money nor did she do so without the intention of paying it all back. It is understood that her father did not have a will, but did establish his verbal wishes with her and his siblings. They can vouch for the fact that she only intended to uphold his wishes. Petitioner states she hopes the judge will understand and take into consideration that she full intends to make everything right with the estate. Petitioner prays for an Order: 1. The first account and report be settled, allowed and approved as filed. 2. All of the acts and proceedings of petitioner as administrator through July 15, 2015 be confirmed and approved.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	Reviewed by: KT Reviewed on: 8/31/15 Updates: Recommendation: File 5 – Dupree	
<input checked="" type="checkbox"/>	Orde		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition for Final Distribution on Waiver of Accounting

DOD: 12/7/2013		THOMAS BRESSLER , Executor, is petitioner. Accounting is waived. I & A - \$206,733.74 POH - ??? Executor - waives.	NEEDS/PROBLEMS/COMMENTS: Continued from 7/29/15. As of 8/31/15 the following issues remain: 1. Petition does not list the Creditor's Claim of Bank of America in the amount of \$6,630.96 filed on 4/25/14. California Rules of Court, Rule 7.403. 2. Need Allowance or Rejection or Rejection of Creditor Claim of Bank of America. California Rules of Court, Rule 7.401. 3. Petitioner indicates he made preliminary distributions of the 1,858 shares of PG&E common stock to the beneficiaries of the estate (620 shares to Thomas, 620 shares to Sally and 618 shares to Derek). Derek should receive an equal share or an offset from other assets of the estate. 4. Need receipts from the beneficiaries for preliminary distributions of the PG&E common stock and personal property. 5. Petition does not contain a statement regarding if notice to the Franchise Tax Board was performed, as required by Probate Code 9202(c)(1). 6. Need property on hand schedule. California Rules of Court, Rule 7.651. 7. Order does not comply with Local Rule 7.6.
Cont. from 072915			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input checked="" type="checkbox"/> Inventory			
<input checked="" type="checkbox"/> PTC			
<input checked="" type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.		Distribution, pursuant to Decedent's Will, is to: Thomas Bressler - 1/3 Sally Bressler - 1/3 Derek Weibel - 1/3	
<input checked="" type="checkbox"/> Pers.Serv.	W/O		
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting		Reviewed by: KT Reviewed on: 8/31/15 Updates: Recommendation: File 6 – Bressler	
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Attorney

Fanucchi, Edward L. (for Linda Crouch – Conservator)

Attorney

LeVan, Nancy J. (Court Appointed for Conservatee)

Probate Status Hearing re Filing of the First Account

		<p>LINDA CROUCH, daughter, was appointed Conservator of the Person and Estate on 06/04/14. Letters of Conservatorship were issued on 07/21/14.</p> <p>Inventory & Appraisal, Final , filed 08/06/14 - \$82,500.00</p> <p>Inventory & Appraisal, Supplemental, filed 10/22/14- \$8,927.19</p> <p>Minute Order from 06/04/14 set this matter for status regarding filing of the First Account.</p> <p>Status Report for Filing of First Account Current filed 07/31/15 states: The first account is currently being prepared and will be filed soon. If the accounting is not filed before the 08/05 hearing, a 30 day continuance is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 08/05/15</u></p> <p>1. Need First Account and Report of Conservator.</p>
Cont. from 080515			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 08/31/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 – Welton</p>	

		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>On 8/10/15, Ms. Hill filed a copy of her Letters of Guardianship issued by King County Superior Court, State of Washington.</p>	
Cont. from 020415, 052015, 061015, 070815, 081215			
<input type="checkbox"/>	Aff.Sub.Wit.		<input type="checkbox"/>
<input type="checkbox"/>	Verified		<input type="checkbox"/>
<input type="checkbox"/>	Inventory		<input type="checkbox"/>
<input type="checkbox"/>	PTC		<input type="checkbox"/>
<input type="checkbox"/>	Not.Cred.		<input type="checkbox"/>
<input type="checkbox"/>	Notice of Hrg		<input type="checkbox"/>
<input type="checkbox"/>	Aff.Mail		<input type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>
<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.		<input type="checkbox"/>
<input type="checkbox"/>	Conf. Screen		<input type="checkbox"/>
<input type="checkbox"/>	Letters		<input type="checkbox"/>
<input type="checkbox"/>	Duties/Supp		<input type="checkbox"/>
<input type="checkbox"/>	Objections		<input type="checkbox"/>
<input type="checkbox"/>	Video Receipt		<input type="checkbox"/>
<input type="checkbox"/>	CI Report		<input type="checkbox"/>
<input type="checkbox"/>	9202		<input type="checkbox"/>
<input type="checkbox"/>	Order		<input type="checkbox"/>
<input type="checkbox"/>	Aff. Posting		<input type="checkbox"/>
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
		Reviewed by: skc	
		Reviewed on: 8/31/15	
		Updates:	
		Recommendation:	
		File 10 - Lowe	

13A In Re: Davis Family 1989 Life Insurance Trust

Case No. 14CEPR00790

Attorney: Leigh W. Burnside (for Petitioners Joshua Davis, Corey Davis and Brittney Davis)

Trustee: Bruce Neilson (pro per)

Petition for Order Compelling Trustee to Account and Report

		JOSHUA DAVIS, COREY DAVIS and BRITTNEY DAVIS , beneficiaries, are petitioners. Petitioners state Settlor Wealtha Davis died on 3/25/98 and Thomas J. Davis died on 6/5/00 – more than 14 years ago. BRUCE NEILSON ("Trustee Neilson") is successor Trustee. Petitioners state following the death of settlor Thomas J. Davis, by their agent and their CPA, Tom Bell, inquired on multiple occasions of Trustee Neilson about the nature of the Trust assets and the timetable for distribution. Petitioners believe that the Insurance Trust at its inception was funded with approximately \$2,370,000. Petitioners have requested that Trustee Neilson provide them with an account of his administration of the Insurance Trust, but Trustee Neilson has not yet done so. Additionally, Petitioners believe that portions of the Insurance Trust property that was to be held by Trustee Neilson for the benefit of the Insurance Trust beneficiaries has been used to make loans or excessive distributions to beneficiaries other than Petitioners, all to the detriment of Petitioners and other beneficiaries whose share of Insurance Trust assets have been improperly loaned or otherwise transferred to beneficiaries who were not entitled to receive what was loaned or otherwise transferred to them as a result of the breach by Trustee Neilson of his duties to the beneficiaries.	NEEDS/PROBLEMS/COMMENTS: Please see related case on page 8. 1. Need Order	
Cont. from 121514, 022315, 033015, 033015, 052615, 072215				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Please see additional page.	Reviewed by: KT Reviewed on: 8/31/15 Updates: Recommendation: File 13A – Davis Life	

13A

Moreover, Petitioners believe that Trustee Neilson has failed to require the execution of notes requiring repayment by the borrowers of the Insurance Trust assets, and/or that Trustee Neilson has failed to require repayment of principal and interest on the Insurance Trust monies by the borrowers, all to the detriment of Petitioners and the other Beneficiaries to whom loans were not made.

Petitioners believe that Trustee Neilson has transferred property belonging to the beneficiaries of the Insurance Trust in a manner that diminishes Petitioners' rights as beneficiaries under the Insurance Trust. Petitioners submit Trustee Neilson has refused to share information with Petitioners concerning what has been done with the assets of the Insurance Trust, and that such refusal constitutes a violation of Probate Code § 16060 which states the trustee has a duty to keep the beneficiaries "reasonably informed of the trust and its administration."

Further, Petitioners believe that Trustee Neilson has made substantially greater distributions to some beneficiaries than to others, in a manner which is inconsistent with the terms of the Insurance Trust. Some beneficiaries have been distributed or loaned far more than their "share" of the trust assets. Petitioners have been distributed far less than their "shares" and the Insurance Trust does not appear to hold sufficient assets to provide Petitioners with the assets to which they are entitled.

Petitioners request this Court order Trustee Neilson to provide a complete account and report of his administration of the Insurance Trust for the period from June 6, 2000 through the present.

Petitioners allege that Trustee Neilson should be personally surcharged for any damages resulting from his mismanagement of the Insurance Trust and failure to provide the beneficiaries with information as provided by law.

Petitioners allege that Trustee Neilson's failure to segregate the Insurance Trust assets as provided for in the Insurance Trust constitutes a breach of his fiduciary duties as Trustee.

As a proximate result of Trustee Neilson's breach of trust, there has been an extreme depletion of the Insurance Trust assets which would be available for distribution to Petitioners if not for the wrongful distributions and loans made by Trustee Neilson. Petitioners believe that Trustee Neilson's breach of trust has resulted in damages to Petitioners and the Insurance Trust in an amount not less than \$533,000.

Wherefore, Petitioners request the Court order the following:

1. Directing Trustee Bruce Neilson to prepare and file a complete account and report of his administration of the Davis Family 1989 Life Insurance Trust for the period of 6/6/2000 through 8/15/2014, inclusive;
2. Directing Trustee Bruce Neilson to set the Account and Report for hearing and give notice of same pursuant to Probate Code § 17203;
3. Awarding Petitioners reasonable attorneys' fees and costs incurred in this matter;
4. Surcharging Trustee Bruce Neilson as appropriate according to proof.

Petitioner: Bruce Neilson (pro per)

Attorney: Leigh W. Burnside (for Objectors Joshua Davis, Corey Davis, Brittany Davis)

Account and Report of Trustee and Petition for Its Settlement

		BRUCE A. NEILSON , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Please see related case on page 8. 1. This Account does not comply with Probate Code §1060 and therefore has not been reviewed by Examiner.		
Cont. from 052615, 072215				Objections to Account and Report of Trustee and Petition for Its Settlement; and Request for Surcharge of Trustee filed on 5/21/15.	1. This Account does not comply with Probate Code §1060 and therefore has not been reviewed by Examiner.
Aff.Sub.Wit.					
Verified					
Inventory					
PTC					
Not.Cred.					
Notice of Hrg					
Aff.Mail					
Aff.Pub.					
Sp.Ntc.		Minute Order from 5/26/15 states Mr. Neilson is admonished that the accounting needs to be in the proper format. Additionally, he is to report back to the Court regarding the status of the tax extension at the 7/22/15 hearing.	Status Declaration filed 8/28/15 states although it was anticipated that the accounting could be completed by the time of this hearing, due to the time period covered by the accounting and the lack of familiarity by the accountants of the format for court accountings, the accounting will not be completed in time. Accordingly the trustee requests an additional 30 days for the accountants to complete the accounting.		
Pers.Serv.					
Conf. Screen					
Letters					
Duties/Supp					
Objections					
Video Receipt					
CI Report					
9202					
Order				Status Declaration filed 7/20/15 states Mr. Neilson received communication from Julie Filmore of Moore Gider, the CPA firm for the trust, advising that she had been unavailable to provide accounting due to a death in her family, and that the other CPA with knowledge of the trust, Tom Bell, had been on vacation. She requested an additional 30 days to complete the accounting. Mr. Neilson contacted Mr. Klassen attorney for objecting parties, who advised that he did not have an objection to the continuance. Accordingly, Mr. Neilson requests a continuance to a date after 8/22/15.	Reviewed by: KT Reviewed on: 8/31/15 Updates: Recommendation: File 13B – Davis
Aff. Posting					
Status Rpt					
UCCJEA					
Citation					
FTB Notice					

Probate Status Hearing RE: Proof of Additional Bond

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		OFF CALENDAR Proof of additional bond of \$43,000.00 filed 08/24/15
		Reviewed by: JF
		Reviewed on: 08/31/15
		Updates:
		Recommendation:
		File 15 – Davis

Petitioner

Smith, Jamie Leanne (Pro Per – Paternal Aunt – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			<p><u>Note:</u> Pursuant to a letter received by the Court 7/2/15, the Cold Springs Rancheria of Mono Indians of California has requested intervention in this matter.</p> <p><u>Update:</u> On 8/4/15, Resolution No. 2015-04 Order of Preference for Placement was filed by Cold Springs Rancheria of Mono Indians of California stating that under authority of the Indian Child Welfare Act, §1915(b) and (c), the Cold Springs Rancheria of Mono Indians of California do hereby establish that placement of the minor shall be with Jamie Leanne Smith.</p> <p><u>SEE PAGE 2.</u></p>
Cont. from 080515			
	Aff.Sub.Wit.		Reviewed by: skc
✓	Verified		
	Inventory		Reviewed on: 8/31/15
	PTC		
	Not.Cred.		Updates:
✓	Notice of Hrg		
✓	Aff.Mail	W	Recommendation:
	Aff.Pub.		
	Sp.Ntc.		File 18 - Navarette
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. It was previously noted that the Court had not yet received a certified mail receipt for service of the ICWA-030 (Notice of Child Custody Proceeding for Indian Child) from North Fork Rancheria; therefore, additional time may be necessary for proper notice pursuant to ICWA.

At the last hearing on 8/5/15, the clerk's office was ordered to send the ICWA-030 notice to the mother as well.

As of 8/31/15, no certified mail return receipt has been received yet by the Court from the notice sent to North Fork Rancheria on 5/26/15, and no certified mail return receipt has been received by the Court from the notice mailed to the mother pursuant to the minute order of 8/5/15.

However, a different tribe, Cold Springs Rancheria of Mono Indians, has filed preference with the court that the minor be placed with this petitioner.

At this time, the Court may require clarification notice to North Fork Rancheria, and may require additional time for further notice.

		<u>NO TEMPORARY REQUESTED</u>	<u>NEEDS/PROBLEMS/COMMENTS:</u>
		JOSE MENDEZ , brother-in-law, is Petitioner.	<u>CONTINUED FROM 07/29/15</u>
		Father: CELEDONIO ESCOBAR	Petitioner is Spanish speaking.
Cont. from 072915			
	Aff.Sub.Wit.	Mother: ISABEL RODAS – <i>Notarized document authorizing transfer of custody to Petitioner filed 08/18/15</i>	1. Need Notice of Hearing.
✓	Verified		2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:
	Inventory	Paternal grandfather: FLORENCIO MONTOY – deceased	a. Celedonio Escobar (father) – <i>personal service required</i>
	PTC	Paternal grandmother: FRANCISCA ESCOBAR – deceased	b. Isabel Rodas (mother) – <i>personal service required</i>
	Not.Cred.		Note: <i>Notarized document authorizing transfer of custody of minor to Petitioner filed 08/18/15</i>
	Notice of Hrg		c. Rosa Escobar Rodas (sister) – <i>service by mail sufficient</i>
	Aff.Mail		
	Aff.Pub.	Maternal grandfather: BENJAMIN RODAS – deceased	
	Sp.Ntc.	Maternal grandmother: BERNARDINA ARGUETA – deceased	
	Pers.Serv.		
✓	Conf. Screen	Sibling: ROSA ESCOBAR RODAS (25)	
✓	Letters	Petitioner states: [see Petition for details].	
✓	Duties/Supp	Court Investigator Charlotte Bien filed a report on 07/13/15.	
	Objections		
	Video Receipt	Declaration filed 08/18/15 attaches a translated and original notarized document signed by the minor's mother, Isabel Rodas, transferring legal permanent custody of minor to Petitioner.	
✓	CI Report		
	9202		Reviewed by: JF
✓	Order		Reviewed on: 08/31/15
	Aff. Posting		Updates:
	Status Rpt		Recommendation:
✓	UCCJEA		File 19 – Rodas
	Citation		
	FTB Notice		

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 4/23/15		JAMES J. MCCOWN , son/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 072915		Full IAEA – o.k.	
<input type="checkbox"/>	Aff.Sub.Wit.	S/P	
<input checked="" type="checkbox"/>	Verified		<p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, February 10, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, November 9, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input checked="" type="checkbox"/>	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Full IAEA – o.k.

Will dated: 10/22/1999

Residence: Fresno
Publication: Fresno Business Journal

Estimated value of the estate:
Personal property - \$ 28,500.00
Real property - \$217,122.00
Total - \$245,622.00

Probate referee: Rick Smith

Reviewed by: KT

Reviewed on: 8/31/15

Updates:

Recommendation:

File 20 – Welsh

Petitioner Gutierrez, Guadalupe, JR (Pro Per – Non-Relative)

Petition for Appointment of Temporary Guardianship of the Person

		GENERAL HEARING	NEEDS/PROBLEMS/COMMENTS:
		09/14/2015	
		GUADALUPE GUTIERREZ , non- relative, is petitioner.	Minute Order of 07/29/2015: Ms. Choya represents that Guadalupe Gutierrez, Petitioner and her son, is currently hospitalized, and she came to request a continuance. Examiner notes provided in open Court.
		Please see petition for details	
Cont. from 072915			The following issues remain: <ol style="list-style-type: none"> Petition is incomplete. Petitioner does not provide a reason why temporary guardianship is in the best interest of the minor. Note: General Petition is also incomplete and does not provide a reason as to why guardianship is in the best interest of the minor. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached. UCCJEA is incomplete. Need minor's residence information for the past 5 years
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	w/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LV
			Reviewed on: 08/31/2015
			Updates:
			Recommendation:
			File 21 – Messick